

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Jane Doe,  Plaintiff,  v.  Lyft, Inc. (d/b/a Lyft Drives North Dakota, Inc.),  Defendant.	CASE NO.
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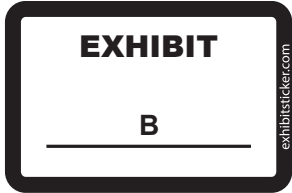
**Amended Complaint**

¶1 Plaintiff, by her attorney of record, for her causes of action against the above-named defendant, states and alleges as follows:

**Parties**

¶2 Plaintiff Jane Doe (placeholder name) is currently a resident of the City of Bismarck, State of North Dakota.

¶3 Defendant, Lyft, Inc. (dba Lyft Drives North Dakota Inc.) hereinafter ("Lyft") is a Delaware corporation doing business in the State of California, with its principal place of business in the City of San Francisco, County of San Francisco, State of California, and doing business, engaging in business, and transacting business in the State of North Dakota. Additionally, Lyft is registered with the North Dakota Secretary of State and engaged in providing a ride sharing business to the public.



### **JURISDICTION**

¶4 This Court has jurisdiction over this cause of action as all of the events giving rise to it arose in this jurisdiction. Plaintiff brings suit under the laws and statutes of the State of North Dakota to recover for the serious personal injuries sustained resulting from the defendants' actions or inactions.

### **Venue**

¶5 Venue is proper in this Court pursuant to North Dakota Century Code § 28-04-04 and § 28-04-05 because upon information and belief the actions that form the factual background of the suit were committed within the jurisdictional boundaries of Burleigh County, near the City of Bismark, and in the State of North Dakota.

### **Factual Background**

¶6 On or about August 29, 2018, Jane Doe via a Lyft ride sharing app secured the services of Lyft to provide ride sharing transportation. Via the Lyft ride sharing app Lyft dispatched a Lyft driver to provide ride sharing transportation. During transportation the Lyft driver sexually and physically assaulted Jane Doe causing serious injuries.

¶7 Jane Doe sustained multiple severe injuries including but not limited to physical injuries related to the sexual assault and emotional injuries directly related to the occurrence.

### **Causes of Action** **Negligence & Respondeat Superior:**

¶8 Jane Doe repeats and incorporates by reference all other paragraphs of this complaint as if fully set forth herein.

¶9 The actions and inactions of the defendant resulted from the negligence of defendant pursuant to the theories of negligence and respondeat superior. Defendant was negligent and breached its duty to Jane Doe at the above time and place in at least the following respects:

- A. Failing to use reasonable care to inspect and maintain a safe ride sharing transport for Jane Doe.
- B. Failing to use reasonable care to ensure that the ride share, and employees were safe;
- C. Failing to adequately warn Jane Doe of the dangerous conditions present at the ride share.
- D. Failing to exercise its executive role in ensuring that safety procedures and policies were followed during the ride share.
- E. Failing to inspect and monitor the background and the work of its employees to ensure that proper safety policies and procedures were followed, and that the public was safe.
- F. Failing to ensure against the sexual assault and injuries Jane Doe.
- G. Failing to implement appropriate safety procedures in the operation of the ride share; and
- H. Failing to follow appropriate safety precautions for safe transportation of the public including Jane Doe.

¶10 As a direct and proximate consequence of the negligence and respondent superior liability of defendant and its driver, Jane Doe suffered permanent physical and emotional damages in an amount to be monetized at trial.

**Damages**  
**Jane Doe:**

¶11 Jane Doe repeats and incorporates by reference all other paragraphs of this complaint as if fully set forth herein.

¶12 As a direct and proximate result of defendant's negligent, and grossly negligent acts and/or omissions described above, Jane Doe suffered substantial injuries and damages for which

they seek recovery in an amount that the jury determines to be fair and reasonable, including the following damages:

- A. **Past & Future Medical Expenses:** Plaintiff Jane Doe incurred bodily injuries, which were caused by the incident in question and will, in reasonable probability, continue to incur reasonable and necessary medical expenses in the future.
- B. **Past & Future Physical Pain:** Plaintiff Jane Doe suffered physical pain in the past and, in reasonable probability, will continue to sustain physical pain in the future.
- C. **Past & Future Mental Anguish:** Plaintiff Jane Doe has endured mental anguish in the past and will, in reasonable probability, endure mental anguish in the future.
- D. **Past & Future Loss of Earning/Earning Capacity:** Plaintiff Jane Doe has suffered a loss of earning and/or sustained a loss of earning capacity in the past and will, in reasonable probability, sustain the same in the future.
- E. **Past & Future Physical Impairment:** Plaintiff Jane Doe sustained physical impairment in the past and will continue, in reasonable probability, to sustain physical impairment in the future.

¶13 All conditions precedent to plaintiff's right to recover the relief sought herein have occurred or have been performed.

¶14 WHEREFORE, the Plaintiff, demands judgment against the defendant, in a reasonable sum in excess of Fifty Thousand (\$50,000.00) Dollars, together with costs and disbursements herein, including pre-judgment interest as may be allowed by applicable law and further relief as the Court may deem just and proper.

Dated this 29<sup>th</sup> day August 2024.

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ATTORNEY FOR PLAINTIFF

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### Certificate of Service

¶1 The undersigned certifies, pursuant to Rule 5 (f) of the North Dakota Rules of Civil Procedure, that on August 29, 2024, a true and correct copy of the following document(s):

1. Amended Complaint, and
2. Certificate of Service.

were served, via electronic mail, upon the following:

David D. Schweigert  
**SCHWEIGERT, FLEMIN & MCBRIDE, P.C.**  
*dschweigert@bkmpc.com*

ATTORNEY FOR DEFENDANT

Dated this 29<sup>th</sup> day of August 2024.

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